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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,873	07/16/2007	John Cracknell	SHP-PT088	3506
3624 7590 02/03/2011				
VOLPE AND KOENIG, P.C.				
UNITED PLAZA				
30 SOUTH 17TH STREET				
PHILADELPHIA, PA 19103				
EXAMINER				
NICHOLSON III, LESLIE AUGUST				
ART UNIT		PAPER NUMBER		
3651				
NOTIFICATION DATE		DELIVERY MODE		
02/03/2011		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

coffice@volpe-koenig.com

# Office Action Summary

**Application No.**

10/587,873

**Applicant(s)**

CRACKNELL ET AL.

**Examiner**

LESLIE A. NICHOLSON III

**Art Unit**

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-17,26-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/21/2010 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 18-25 have been considered but are moot in view of the new ground(s) of rejection. Furthermore, due to Applicant's arguments and/or amendments, all previous 35 USC 112 rejections are hereby withdrawn.

The Examiner further notes that Applicant has indicated that the status of claim 37 is "Previously Presented". However, this is incorrect because claim 37 was withdrawn by the Examiner as shown in the Final Action filed 6/9/2010 and remains withdrawn.

***Claim Objections***

3. Claim 24 is objected to because it appears “fingers” in line 3 of the claim should instead be –finger—since only one second retractable finger has been recited.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18,19,22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cracknell WO 01/34403 in view of Misicka USP 5,028,193.

Cracknell discloses, regarding claim 18, binding apparatus for binding sheets together, the apparatus comprising: sheet folding apparatus (12,13; fig.1) for individually folding sheets along a fold line; a supporting surface (33; fig.1); and a sheet collector (15) for stacking successive sheets such that the fold lines of each sheet are substantially aligned.

Regarding claim 23, wherein the sheet collector comprises a stacking area with collection arm (16) and a first retractable finger (21; fig.1,2B,3) arranged above a downstream end of the stacking area.

Regarding claim 24, wherein the collector also comprises a second retractable finger (21), the second retractable fingers being arranged above the stacking area (fig.2B).

Regarding claim 25, wherein the sheet collector comprises a stacking area for receiving sequential delivery of part-folded sheets and a finger (21) located above a downstream end of the stacking area and arranged for rotation about an axis substantially transverse to the sheet transport direction (which can be the direction of conveyance of the sheets by way of elements 36 or 41; fig.1).

Cracknell does not expressly disclose the remaining limitations of claim 18 or the limitations of claims 19,22.

Misicka teaches the supporting surface comprising two support surfaces (27,28) that are inclined with respect to each other and separated at their upper edge by a slot (see space between the support surfaces; fig.2) and teaches the use of an adhesive applicator (37), wherein the adhesive applicator is mounted above the supporting surface and is arranged to deliver adhesive downwardly onto the outside of the fold line, wherein the supporting surface includes one or more driven rollers (33,53; fig.1,3) to urge passage of a sheet along the surface, for the purpose of stabilizing signatures as they are propelled in the direction of conveyance (C5/L40-42) and to provide a highly localized, hinge-like bond between signatures that prevents tearing of pages (C2/L48-66) and to form a bond between the signatures thereby forming a signature assembly (C6/L43-49).

At the time of invention it would have been obvious to one having ordinary skill in the art to provide the supporting surface with two support surfaces that are inclined with respect to each other and separated at their upper edge by a slot and to provide an adhesive applicator, wherein the adhesive applicator is mounted above the supporting surface and is arranged to deliver adhesive downwardly onto the outside of the fold line, wherein the supporting surface includes one or more driven rollers to urge passage of a sheet along the surface, as taught by Misicka, in the device of Cracknell, for the purpose of stabilizing signatures as they are propelled in the direction of conveyance and to provide a highly localized, hinge-like bond between signatures that prevents tearing of pages and to form a bond between the signatures thereby forming a signature assembly.

6. Claims 20,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cracknell WO 01/34403 in view of Misicka USP 5,028,193 further in view of Leu USP 5,716,182.

Cracknell discloses substantially all the limitations of the claim (see ¶5), but does not expressly disclose the limitations of claims 20,21.

Leu teaches the device wherein the adhesive applicator (20) is mounted in or adjacent the slot in the supporting surface and is arranged to deliver adhesive upwardly through the slot to the inside of the fold line and wherein the adhesive applicator is arranged to deliver adhesive to the second and subsequent sheets of a stack (C6/L48-

57) for the purpose of ensuring reliable adhesive bonding between individual sheets without problems of blockage (C2/L10-17).

At the time of invention it would have been obvious to one having ordinary skill in the art to mount the adhesive applicator in or adjacent a slot in the supporting surface and is arranged to deliver adhesive upwardly through the slot to the inside of the fold line and wherein the adhesive applicator is arranged to deliver adhesive to the second and subsequent sheets of a stack, as taught by Leu, in the device of Cracknell, for the purpose of ensuring reliable adhesive bonding between individual sheets without problems of blockage.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESLIE A. NICHOLSON III whose telephone number is (571)272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leslie A Nicholson III/  
Primary Examiner, Art Unit 3651  
1/28/2011